

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

EQUAL EMPLOYMENT OPPORTUNITY)	
COMMISSION,)	
)	
Plaintiff,)	CIVIL ACTION NO.
)	
v.)	<u>C O M P L A I N T</u>
GUARDIAN ANGEL AMBULANCE)	
SERVICE, INC.,)	
)	
Defendant.)	
)	

NATURE OF THE ACTION

The United States Equal Employment Opportunity Commission (the “Commission” or “EEOC”) brings this action pursuant to Title VII of the Civil Rights Act of 1964, as amended, to compel specific performance of a Negotiated Settlement Agreement (“Agreement”) resolving charges of discrimination filed by Mekia Austin, now deceased, on the basis of race (Black) and sex (female). The EEOC entered into the Agreement with Guardian Angel Ambulance Service, Inc. (“Guardian” or “Defendant”) on or about March 13, 2012, in settlement of EEOC Charge Number 846-2010-80017, which Austin had filed with the Commission. The Agreement required Guardian, among other things, to pay to Austin’s two surviving minor children \$2,500.00 each, and to provide written notification to the Commission that it had fulfilled its obligations under the Agreement. Since Guardian has only made partial payments, and has not fully complied with these obligations, the EEOC is seeking to enforce this Agreement and is requesting that the Court order Guardian to pay any amounts that are past due and owing with interest, and to provide the EEOC with written notice that these payments have been tendered as required in the Agreement.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Sections 706(f)(1) & (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e-5(f)(1) & (3), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

2. The employment practices alleged to be unlawful and the breach of the Agreement were committed within the jurisdiction of the United States District Court for the Western District of Pennsylvania.

PARTIES

3. Plaintiff, the Commission, is the agency of the United States of America charged with the administration, interpretation and enforcement of Title VII and is expressly authorized to bring this action by Sections 706(f)(1) & (3) of Title VII, 42 U.S.C. §§ 2000e- 5(f)(1) & (3).

4. At all relevant times, Defendant, a Pennsylvania corporation, has continuously been doing business in the Commonwealth of Pennsylvania and has continuously had at least 15 (fifteen) employees.

5. At all relevant times, Defendant has continuously been an employer engaged in an industry affecting commerce under 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

7. More than thirty days prior to the institution of this lawsuit, Mekia Austin filed a charge of discrimination with the Commission alleging violations of Title VII by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

STATEMENT OF CLAIMS

8. On October 21, 2010, Austin filed a Charge of Discrimination with the EEOC alleging that Defendant discriminated against her on the basis of her race (Black) and sex (female), in the termination of her employment. Austin also alleged that she was sexually harassed. A copy of the Charge of Discrimination is attached hereto as Exhibit 1. The Charge was resolved when Austin's estate and Defendant agreed to the terms and conditions proposed by the EEOC, as reflected in the Agreement signed and executed by the EEOC, Defendant and the estate administrator. Under the terms of this Agreement, a copy of which is attached as Exhibit 2, Defendant agreed:

(a) To give the lump sum of two thousand five hundred dollars and no cents (\$2,500) to [D.M.] (a minor male child of Charging Party), and the lump sum of two thousand five hundred dollars and no cents (\$2,500) to [D.W.] (a minor female child of Charging Party), in full and complete monetary settlement of the referenced charge, and

(b) To submit each check to Charging Party Estate Administrator, Joe Rita Oliver at [address], in the monetary amounts referenced in Item 4(a) within twenty-one (21) days of the receipt of a fully executed copy of this Agreement.

5. Respondent agrees to provide written notice to the Director of the Pittsburgh Area Office within ten (10) days of satisfying the obligations specified in items 4(a) and 4(b) of this Agreement.

A copy of the Agreement was sent to Defendant on March 13, 2012, via regular mail. As of this date, the Estate Administrator reports that payments of only \$400.00 to each minor child have been made, and Defendant has not provided the EEOC with any evidence that it has made or attempted to make full payment as required by the Agreement.

9. The Commission seeks enforcement of the Agreement pursuant to its enforcement authority under Section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as

amended, 42 U.S.C. § 2000e-5(f)(1) and (3) and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

- A. Order Defendant to perform all of the duties and obligations previously agreed to under the Agreement, and specifically to pay to each minor child \$2,100.00, along with interest allowed by law;
- B. Order Defendant to provide the EEOC with written notice that it has tendered the payments to the minor children in accordance with the Agreement; and
- C. Award the Commission its costs of this action.

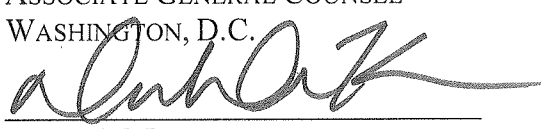
Respectfully submitted,

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

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